

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 17-20183

v.

HON. MARK A. GOLDSMITH

D-1 DARRICK BELL,

Defendant.

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**MOTION TO DISMISS COUNTS ONE, THREE, FOUR, AND FIVE OF
THE SECOND SUPERSEDING INDICTMENT**

The United States of America moves this Court for leave to dismiss Counts One, Three, Four, and Five of the Second Superseding Indictment, as to Darrick Bell, for the following reasons:

1. On April 12, 2022, the Court began a jury trial of Bell and his co-defendant Harold Nero for the eight charges alleged in the Second Superseding Indictment;

2. On June 2, 2022, the jury convicted Bell on Counts Six, Seven and Eight. Bell was acquitted of Count Two. The jury could not reach a unanimous verdict on Counts One, Three, Four and Five, which are now set for retrial. A motion under Rule 29 for a judgment of acquittal on Counts One, Three, Four, Five, Six, Seven, and Eight, is pending.

3. If the Rule 29 motion is denied, Bell faces a term of imprisonment of at least 15 years and up to life on Counts Six, Seven and Eight. Given the sentencing options available to the Court on those counts, a retrial of Counts One, Three, Four and Five is unnecessary. Accordingly, the ends of justice would best be served by dismissing the remaining counts and proceeding directly to sentencing.

Based on the foregoing, the government moves this Honorable Court to dismiss Counts One, Three, Four, and Five and set the matter for sentencing.

Respectfully submitted,

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